

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 10729 of 2016

Date of Decision: 27.5.2016

Bhagwant Kumar and Ors

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Abhishek Arora, Advocate for the petitioners

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The petitioners seek directions to the respondents for change of option from 1st January, 2006 to 1st November, 2006 by permitting them to alter their options earlier exercised mistakenly without knowledge that those options will result in reduction of pay. The matter is no longer open to debate and is covered by a number of judicial precedents of this Court including the judgments passed in CWP No.7464 of 2009 (Surinder Kumar and others vs. State of Punjab and others decided on 25.2.2010), CWP No.18537 of 1995 (Jawahar Lal Verma vs. State of Punjab and others decided on 21.3.1996), CWP No.7643 of 1997 (Narinder Kumar and others vs. State of Punjab and others decided on 21.7.1998), CWP No.18644 of 2015 (Gurmit Singh and others v. State of Punjab and others decided on 11.3.2016) and CWP No.6686 of 2016 (Sukhjeet Kaur and others vs. State of Punjab and others decided on 8.4.2016).

Notice of motion.

On the asking of the Court, Mr.Harkesh Manuja, Addl.A.G.,

Punjab accepts notice on behalf of the State of Punjab and waives service on

them.

He is not in a position to dispute the right of the petitioners to exercise revised option to bring their pay at par with their legitimate dues. There is no need to call for written statement from the State since the matter is no longer *res integra* and the facts incapable from being disputed since the petitioners are similarly placed in all circumstances as stood by them in this petition. However, in case facts are disputed to the extent of relief being denied, then State is free to bring those material facts to the notice of the Court in the disposed of petition, in case they justify recall of this order.

In view of the above, this petition is disposed of in terms of Gurmit Singh's case etc. Fresh option be sought from the petitioners. After the option is exercised by the petitioners, the same shall be accepted by the Department. The petitioners shall be entitled to all the consequential benefits flowing therefrom. Due compliances be made within two months from supply of certified copy of this order.

27.5.2016
MFK

(RAJIV NARAIN RAINA)
JUDGE